

REMARKS

Reconsideration of this application is requested.

With entry of this response, the claims pending for consideration are claims 1, 4 and 11. Claim 1 has been amended in a way which is thought to underscore the unobviousness of the applicants' invention. Basis for the amendment to claim 1 is found at, for example, page 4, second full ¶ and applicants' Example 2.

The Examiner is respectfully requested to reconsider and withdraw the Section 103(a) rejection of applicants' claims 1, 2, 4 and 11 (now claims 1, 4 and 11) as unpatentable over Peterson et al. (U.S. 5,861,146), WO 99/18926 or Perring et al. (U.S. 6,780,835). With respect, the applicants submit that their claims, particularly as claim 1 has been amended, define subject matter which is not obvious from the prior art.

Initially, it is noted that Perring et al. U.S. 6,780,835 do not qualify as citable prior art against the applicants in view of the exception provided under 35 U.S.C. 103(c)(1). The patent qualifies as prior art only under Section 102(e). The subject matter of U.S. 6,780,835 and the claimed invention were, at the time the invention was made, owned by Quest International Services B.V. ("Quest") or subject to the obligation of assignment to Quest. Thus, Perring et al. U.S. 6,780,835 is excluded as citable art herein.


As for Peterson and WO 99/18926, neither of these references discloses or suggests a perfume composition comprising at least 30% by weight of at least 5 of the perfume components recited in claim 1, or at least 10 of said components as called for in claim 11. Furthermore, there is clearly no teaching or suggestion in either of these references of the further important characteristic of the applicants' perfume composition which has been added to claim 1, i.e. the applicants' composition is capable of inhibiting the biotransformation of androstadienols to androstenones such that the production of odoriferous steroids by micro-organisms on the skin is inhibited. This feature of the applicants' perfume composition is unobvious from the cited art and it is not evident from the cited references that the applicants' results, i.e. reduction or prevention of body malodors, could be realized by following the applicants' invention.

In view of the foregoing, the applicants submit that the claims herein define subject matter which should be found patentable over Peterson and WO 99/18926. Accordingly, the Examiner is requested to reconsider the Section 103(a) rejection of record and allow the applicants' claims.

Favorable action is requested.

Respectfully submitted,

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